

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No: 10/088,037  
Applicants: Kenji MORIMOTO, et al.  
Filed: August 28, 2002  
Title: DATA RECORDING APPARATUS, DATA REPRODUCING APPARATUS, DATA RECORDING METHOD, AND DATA REPRODUCING METHOD  
TC/A.U.: 2621  
Examiner: Helen Shibru  
Confirmation No.: 6565  
Docket No.: MTS-3321US

**RESPONSE TO RESTRICTION REQUIREMENT**

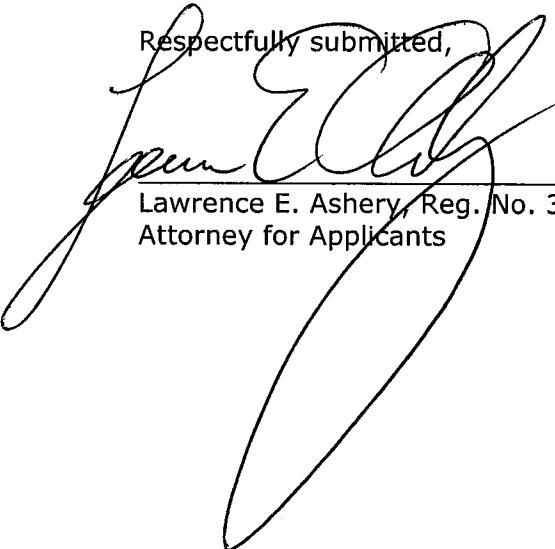
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

This is in response to the Restriction Requirement stated in the Office Letter dated **November 13, 2008**.

The Examiner requires that claims of Species 1, Figure 1, Species 2, Figure 2, Species 3, Figure 3 or Species 4, Figure 4 be elected for prosecution. Applicants elect to prosecute Species 1, Figure 1 and Claims 1, 9-13, 16-18, 25, 26, 33 and 34. This election is made without traverse.

Respectfully submitted,

  
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LEA/so

Dated: December 11, 2008  
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